

REMARKS

The application has been reviewed in light of the Final Office Action mailed October 23, 2003. Claims 1-11 were pending at the time of the office action. Claims 1-11 were rejected. Applicants have amended Claims 1 and 7. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §102

Claims 1-2 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,236,333 issued to Joseph David King ("King"). Applicants respectfully traverse and submit that Claim 1 is patentable over King.

King discloses a "passive remote keyless entry system includ[ing] a plurality of sensors each associated with a door of the vehicle." (Abstract)

Applicants' amended Claim 1 recites several elements including, among others, "an evaluation unit operable to evaluate the echo signal to verify the authorization code supplied from the code transmitter if a distance between the code transmitter and the transmitting and receiving unit is determined to be above a threshold value."

King cannot anticipate Applicants' amended Claim 1, because King does not teach, suggest or disclose all of the elements recited by Claim 1, as amended. For example, King fails to teach, disclose or suggest "an evaluation unit operable to evaluate the echo signal to verify the authorization code supplied from the code transmitter if a distance between the code transmitter and the transmitting and receiving unit is determined to be above a threshold value," as recited by amended Claim 1. Because King fails to teach, disclose or suggest all of the elements of Applicants' amended Claim 1, Applicants respectfully submit that King does not anticipate Applicants' amended Claim 1. Therefore, Applicants assert that Claim 1, as amended, is patentable over King.

Claim 2 depends from and provides further patentable limitations to independent Claim 1, as amended. Because amended Claim 1 is deemed allowable, Claim 2 is allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claim 2.

**Rejections under 35 U.S.C. §103**

Claims 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over King. Applicants respectfully traverse and submit that Claims 3 and 4 are patentable over King.

Claims 3 and 4 depend from and provide further patentable limitations to independent Claim 1, as amended. Because amended Claim 1 is deemed allowable, Claims 3 and 4 are allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claims 3 and 4.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of U.S. Patent 5,956,259 issued to Hal C. Hartsell, Jr. et al. ("Hartsell et al."). Applicants respectfully traverse and submit Claim 5 is patentable over King in view of Hartsell et al.

Claim 5 indirectly depends from and provides further patentable limitations to independent Claim 1, as amended. Because amended Claim 1 is deemed allowable, Claim 5 is allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claim 5.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of U.S. Patent 54,723,121 issued to Andreas van den Boom et al. ("Boom et al."). Applicants respectfully traverse and submit that Claim 6 is patentable over King in view of Boom et al.

Claim 6 depends from and provides further patentable limitations to independent Claim 1, as amended. Because amended Claim 1 is deemed allowable, Claim 6 is allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claim 6.

Claims 7-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over King in view of Hartsell et al. and Boom et al. Applicants respectfully traverse and submit that Claims 7-11 are patentable over King in view of Hartsell et al. and Boom et al.

King discloses a "passive remote keyless entry system includ[ing] a plurality of sensors each associated with a door of the vehicle." (Abstract)

Hartsell et al. discloses a "fuel dispenser system capable of receiving a signal from a vehicle transponder." (Abstract)

Boom et al. discloses a "tamper-proof, electronic locking apparatus for motor vehicles featur[ing] an electronic key and an electronic lock, which each contain a synchronized, constantly operating, precision oscillator."

Applicants' amended Claim 7 recites several elements including, among others, "evaluating the echo signal in an evaluation unit adapted to be arranged on the motor vehicle, the evaluating including verifying the authorization code signal from the code transmitter if a distance between the code transmitter and the transmitting and receiving unit is determined to be above a threshold value."

King, Hartsell et al. or Boom et al. cannot anticipate Applicants' amended Claims 7 because King, Hartsell et al. and Boom et al. do not teach, suggest or disclose all of the elements recited by amended Claim 7. For example, King, Hartsell et al. and Boom et al. fail to teach, disclose or suggest "evaluating the echo signal in an evaluation unit adapted to be arranged on the motor vehicle, the evaluating including verifying the authorization code signal from the code transmitter if a distance between the code transmitter and the transmitting and receiving unit is determined to be above a threshold value," as recited by amended Claim 7. Applicant respectfully submits that King, Hartsell et al. and Boom et al., alone or in combination, anticipate amended Claim 7. Therefore, Applicants assert that amended Claim 7 is patentable over King in view of Hartsell et al. and Boom et al.

Claims 8-11, directly or indirectly, depend from and provide further patentable limitations to independent Claim 7, as amended. Because amended Claim 7 is deemed allowable, Claims 8-11 are allowable. Therefore, Applicants respectfully request the Examiner to withdraw the rejection and allow Claims 8-11.

CONCLUSION

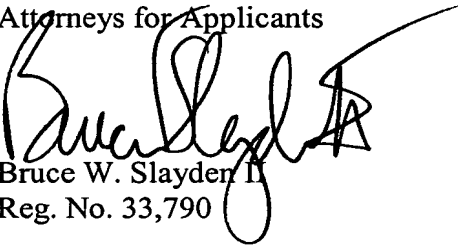
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of the Claims 1-11, as amended.

Applicants enclose a Petition for Extension of Time along with a check in the amount of \$420.00 for the filing fee.

Applicants enclose a check in the amount of \$770.00 for the RCE fee required under 37 C.F.R. 1.17(e). Applicants believe no further fee is due, however, if any additional fees are due, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants



Bruce W. Slayden II  
Reg. No. 33,790

Date: March 16, 2004

Correspondence Address:

Customer No. **23640**

512.322.2606  
512.322.8306 (Fax)

Enclosures:

1. Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address.
2. Request for Continued Examination Transmittal Form along with a check in the amount of \$770.00 for the filing fee.
3. Petition for Extension of Time along with a check in the amount of \$420.00 for the filing fee.